

#11/2002  
12-18-02  
Petition

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:

Attorney Docket No.: 2267.398US03

Barry L. Rauworth, et. al.

Application No.: 09/960,606

Examiner: S. Pollard

Filed: September 21, 2001

Group Art Unit: 3727

For: BLOW MOLDED DRUM

PETITION TO MAKE APPLICATION SPECIAL  
UNDER 37 C.F.R. §1.102(d)

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

Applicant hereby petitions to make the above-identified and enclosed non-provisional patent application special under 37 C.F.R. §1.102(d) and per the requirements of MPEP 708.02, paragraph II (Infringement). Please credit or debit Deposit Account No. 16-0631 as needed to ensure consideration of the disclosed information.

Applicant submits that the pre-requisites for making the application special have been met, per MPEP 708.02, paragraph II, in that: (1) there is an infringing device on the market; (2) I have made a rigid comparison of the alleged infringing device with the claims of the application and, in my opinion, some of the claims are unquestionably infringed; and (3) I have caused to be made a careful and thorough search of the prior art, the search being made on-line by the law firm of Patterson, Thuente, Skaar and Christensen, P.A. of Minneapolis, Minnesota and including the U.S. art in *Class 220, Subclasses 601, 608, 672, 675, 203.01, and 004.05*. The references deemed most closely related to the subject matter are enclosed herewith or are already of record in this case.

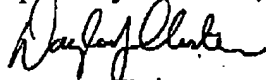
Attorney Docket No. 2267.398US03

In my previous Rule 1.132 declaration entered in this case, I described my rigorous examination of a plastic drum manufactured by a German company known as Rikutec, and stated my opinion that the Rikutec drum would infringe the currently pending independent claims 6 and 11 of the present application, if those claims become a part of an issued United States patent in substantially the same form. A copy of my declaration is included herewith. Upon information and belief, the drum referred to in my declaration is the same drum advertised by Rikutec under the designation "UC-Drum" on their internet website at the address <http://www.rikutec.de/Behalter/UC-Drum/uc-drum.html>.

Upon information and belief, and based on the Declaration of Charmaine Shupe enclosed herewith, the Rikutec drum described in my declaration has now been introduced into the United States market by virtue of having been used to ship chemical substances to multiple locations within the United States.

In view of the above, Applicant respectfully submits the pre-requisites for special status, per MPEP 708.02, paragraph II (Infringement), have been met and that the requirements for making the present application special per 37 C.F.R. § 1.102(d) have been met. As such, Applicant requests that the Commissioner grant the petition and move the application forward for accelerated examination.

Respectfully submitted,

  
Douglas J. Christensen  
Registration No. 35,480

Attorney Docket No. 2267.398US03

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CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being transmitted by facsimile to the U.S. Patent and Trademark Office, Fax No. (703) 872-9302 on the date shown below.

Nov 6, 2002  
Date

Douglas J. Christensen  
Douglas J. Christensen